

United States Courts  
Southern District of Texas  
FILED

# UNITED STATES DISTRICT COURT

for the

JUL 19 2012

David J. Bradley, Clerk of Court

United States of America  
v.

Frank RODRIGUEZ

Case No. C-12-742m

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 17, 2012 in the county of Brooks in the  
Southern District of Texas, the defendant(s) violated:

### Code Section

### Offense Description

Title 21 Section 841 (a)(1)

Knowingly, intentionally, and unlawfully possess with intent to distribute a controlled substance in Schedule II of the Controlled Substance Act of 1970, to wit, approximately 1.02 kilograms (aggregate gross weight) of Cocaine.

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 07-19-2012

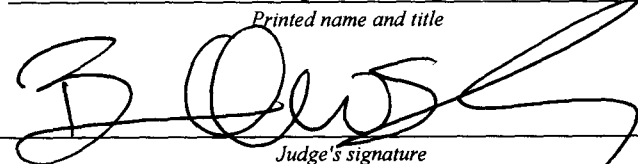
City and state: Corpus Christi, Texas



Complainant's signature

Charles Schuetz, Special Agent DEA

Printed name and title



Judge's signature

Brian L. Owsley, US Magistrate Judge

Printed name and title

**ATTACHMENT "A"**

Frank RODRIGUEZ

On July 17, 2012, Border Patrol Agent Anibal Cardona was assigned immigration inspection duties at the United States Border Patrol Checkpoint located south of Falfurrias, Texas. Border Patrol Agent and Canine Handler Oscar Martinez was also on duty at the primary inspection area along with his Service Canine "Sharma".

At approximately 2345 hours a maroon over tan Chevrolet Pickup Truck bearing Texas Plates 07XWP6 came to the primary inspection area for an immigration inspection of its occupants. As the vehicle came to a stop, Border Patrol Agent Cardona asked the driver, later identified as Frank RODRIGUEZ, where he was coming from and headed to. RODRIGUEZ stated that he was coming from San Juan, Texas and that he was on his way back to his home in San Antonio, Texas. Border Patrol Agent Cardona asked RODRIGUEZ if he was the owner of the pickup truck and he stated "Yes". While questioning RODRIGUEZ, Border Patrol Agent Cardona noticed that he was looking at what Border Patrol Agent Martinez was doing with his Service Canine. Border Patrol Agent Cardona asked RODRIGUEZ if he was a United States Citizen and he stated "Yes".

Border Patrol Agent Cardona then questioned the front female passenger, later identified as Roxann RAMOS-Rodriguez, if she was a United States Citizen and she stated "Yes". Border Patrol Agent Cardona then asked her the purpose of her trip to San Juan, Texas and she stated that they both went to visit the Virgin of San Juan Shrine/Church.

While questioning the passenger, Agent Martinez advised Agent Cardona that his Service Canine was alerting and indicating to the rear passenger area of the pickup truck. Agent Cardona then asked RODRIGUEZ if he would consent to the search of his vehicle, to which RODRIGUEZ stated "Yes". At this time, Agent Cardona referred RODRIGUEZ to the secondary inspection area.

At the secondary inspection area, Agent Cardona asked RODRIGUEZ for how long he had owned the vehicle and if he had performed any kind of maintenance to it recently. RODRIGUEZ stated that he had the vehicle for a few years already and that he had not done any type of maintenance. While Agent Cardona was questioning RODRIGUEZ in the secondary area, Agent Cardona noticed that RODRIGUEZ kept looking at the passing vehicles and at the Agents at the primary inspection area while answering Agent Cardona's questions. RODRIGUEZ seemed like he was not interested in his vehicle's inspection. Agent Martinez performed a thorough systematic search of the vehicle with his Service Canine. Agent Martinez located what appeared to be a black bundle under the rear passenger seat. Agent Martinez cut the bundle to reveal its contents and the bundle contained a white powdery substance that. The substance was Field Tested by Agent Martinez, the results of which showed positive results for the presence of cocaine. The bundle was wrapped in black, clear plastic, axle grease and what appeared to be carbon paper. Only one bundle was located with a total weight of 1.02 kilograms (AGW).

RODRIGUEZ and RAMOS were then placed under arrest and escorted into the checkpoint for processing. Once inside of the checkpoint, Agent Cardona read RODRIGUEZ his Miranda Rights and Warnings in his language of preference, English, with CBP Form I-214. RODRIGUEZ signed stating that he read and understood his rights. Agent Cardona asked RODRIGUEZ if he was willing to answer questions and make a statement at the time and RODRIGUEZ stated "No". At this time the questioning was terminated. Agent Martinez witnessed the reading and signing of the rights.

Agent Cardona then read RAMOS her Miranda Rights and Warnings in her language of preference, English, with CBP Form I-214. RAMOS signed stating that she read and understood her rights. Agent Cardona asked RAMOS if she was willing to answer his questions and make a statement, to which she stated "No". At this time the questioning of RAMOS was terminated.

At the time that RODRIGUEZ was read his Miranda Rights and Warnings he refused to answer questions and provide a statement, the questioning was terminated. As he was being enrolled into the IDENT/IAFIS database via fingerprints, RODRIGUEZ signed the CBP I-214 in order to provide information without a lawyer present and freely stated that his wife was not aware of the drugs. RODRIGUEZ stated that he told her that he was going to take her to the Shrine in San Juan, Texas and then come back. RODRIGUEZ stated that he was short on money and that he was getting paid \$1,000.00 to deliver the cocaine. RODRIGUEZ further stated that he picked up the narcotics in the Rio Grande Valley area of South Texas and the he hid the bundle under the passenger seat behind a speaker box. RODRIGUEZ stated that he was following a black Mercedes sport utility vehicle that he knew had an unknown amount of drugs. RODRIGUEZ stated that he does not personally know the passengers of the black Mercedes. RODRIGUEZ refused to provide any more information.

On July 18, 2012 DEA Corpus Christi Resident Office SA Charles Schuetz and TFO Agustin Perez arrived at the Falfurrias, Texas U.S. Border Patrol Checkpoint to conduct the investigation. SA Schuetz, as witnessed by TFO Perez, advised RODRIGUEZ of his rights both verbally and in writing in RODRIGUEZ's preferred language of English. RODRIGUEZ indicated that he understood his rights both verbally, and in writing. RODRIGUEZ stated that he was laid off of work, as a welder, on May 16, 2011 and had been drawing unemployment for the past year. RODRIGUEZ stated that the unemployment office sent him a letter informing him that he could only collect unemployment for a year and that his benefits would cease on June, 2012. RODRIGUEZ stated that he needed money and had met "some people" who asked him if he was interested in making some money. RODRIGUEZ stated that he had made plans to drive to the McAllen area where he would procure the illegal substance that he was to drive back to San Antonio. RODRIGUEZ stated that he thought he was probably going to be driving marijuana. RODRIGUEZ stated that his wife knew nothing of his intentions and that he had brought her along in order to take her to the San Juan Church. RODRIGUEZ further stated that it would "look better" for him to have his wife in the vehicle with him. RODRIGUEZ stated that once he arrived in the McAllen area he took his wife to the San Juan Church. After visiting the Church, he and his wife left and went to a Valero Gas Station where he met with "some people" that gave him the package. RODRIGUEZ stated that when he accepted the package, he knew that the package did not contain marijuana because the package was too small. RODRIGUEZ stated that he placed the package in his vehicle and began driving northbound. RODRIGUEZ was asked what he prayed for when he visited the San Juan Church, to which RODRIGUEZ

stated "I prayed at the church to forgive me for what I was about to do". RODRIGUEZ stated that he was to be paid \$1,000.00 USC to drive the substance in the package from the McAllen area to San Antonio, Texas.

AUSA Hugo Martinez approved Federal Prosecution of Frank RODRIGUEZ.

The amount of cocaine seized implies the intent to distribute.